General Questions

1. **Are Coal General Permit FAQs currently on DOW's general permits webpage being replaced by these FAQs?**

Yes, due to the changes incorporated in the new general permits the current FAQs will no longer be accurate.

2. **Is the KPDES Coal General Permit (KYG040000) being reissued?**

No, it is being replaced with two new Coal General Permits; one for the eastern Kentucky coal field (KYGE40000) and one for the western Kentucky coal field (KYGW40000).

3. **Why are two new general permits being issued instead of reissuing KYG040000?**

The Division of Water (DOW) is issuing two general permits due to the differences in the water quality issues in the two coal fields.

4. **What types of operations are eligible for coverage under the new general permits?**

Active surface and underground mining, reclamation areas, post mining underground areas, coal preparation plants and coal preparation plant associated areas, worker bathhouses, and related activities as haul roads.

5. **If I currently hold an individual KPDES permit can I apply for coverage under one of the new general permits?**

Yes, provided the activity meets the eligibility requirements of the general permit.

6. **What are the eligibility requirements for coverage under the new general permits?**

The operation must have obtained or be in the process of obtaining a Surface Mining Control and Reclamation Act (SMCRA) permit from the Department for Natural Resources (DNR), be physically located within the counties covered by the general permit and for the KYGW40000 not have a continuous discharge (For the purposes of KYGW40000 a continuous discharge is defined as a discharge that occurs without interruption or has an average discharge duration of 96 hours or more).

7. **Are there any types of operations that are excluded from coverage under the new general permits?**

Yes, operations that DOW determines would be more appropriately addressed by an individual permit or that directly discharge or propose to directly discharge to one or more of the following types of receiving water bodies:

1. categorized as an "Impaired Water" for a pollutant or pollutants of concern that may be associated with such activities for which an approved Total Maximum Daily Load (TMDL) has been developed;
2. designated as a Coldwater Aquatic Habitat (CAH) as listed in Table C of 401 KAR 10:26, Section 5;
3. designated as an Outstanding State Resource Water (OSRW) due its support of a federally listed Threatened or Endangered Species as listed Table C of 401 KAR 10:026, Section 5;

4. categorized as an Outstanding National Resource Water (ONRW) as listed in 401 KAR 10:030, Section 1; or
5. new or expanded coal mining and/or processing operations that propose to discharge within five (5) miles upstream of an existing domestic water supply intake listed in 401 KAR 10:026, Section 5(2)(b) Table B.

8. What counties are covered by KYGW40000?

Breckinridge, Butler, Caldwell, Christian, Crittenden, Daviess, Edmonson, Grayson, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Ohio, Union, Warren and Webster

9. What counties are covered by KYGE40000?

Bath, Bell, Boyd, Breathitt, Carter, Clay, Cumberland, Elliott, Estill, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, McCreary, Madison, Magoffin, Martin, Menifee, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Wayne, Whitley and Wolfe.

10. What if my operation is in a county that is not covered by either KYGE40000 or KYGW40000?

You must obtain an individual permit for that operation.

11. If I do not want coverage under one of the new general permits can I get an individual permit?

Yes, at anytime a permittee who is covered or is eligible for coverage under a general permit wishes to be covered by an individual permit may file KPDES Forms 1 and C with a filing fee of 20% of the total permit fee.

12. If a mining operation currently has coverage under KYG040000 will that coverage be automatically rolled into one of the two new general permits?

No, the permittee is required to submit an electronic notice of intent (eNOI-KYG04) to obtain coverage under one of the new general permits.

13. When does the eNOI to renew coverage have to be submitted?

Within 180 days of the effective date of the new general permits.

14. When does the eNOI to obtain coverage for a new facility have to be submitted?

A minimum of 90 days prior to the expected date the operation will commence discharge.

15. When seeking modification of an existing coverage when does the eNOI have to be submitted?

A minimum of 90 days prior to the expected date the operation will be modified.

16. When applying for coverage under one of the new general permits will I use Form NOI-CM?

No, NOI-CM will no longer be accepted as it does not provide the information required for the new general permits. It has been removed from the Department of Environmental Protection's (DEP) forms library on the internet. Only the new eNOI-KYG04 will be accepted for coverages under the new general permits.

17. Will DOW accept a paper version of the application?

No, DOW is moving to electronic submission of all NOIs to facilitate more accurate and timely processing of coverages.

18. Will there be two eNOIs one for the eastern Kentucky general permit and one for the western Kentucky general permit?

No, the same eNOI, eNOI-KYG04 will serve both permits.

19. How long after submission of the eNOI will I be notified of coverage being granted?

The agency cannot give a definite timeframe for the issuance of a coverage letter for the renewal of coverage due to the expected numbers of eNOIs that will be submitted. New coverages will be given the highest priority.

20. If I do not receive coverage under one of the new general permits before KYG040000 expires does my coverage expire?

No, as long as you have submitted the required eNOI within 180 days of the effective date of the new general permits.

21. During the interim period between the expiration of KYG040000 and the receipt of a new coverage letter what requirements do I have to meet?

The permittee is obligated to meet the requirements of KYG040000 until coverage under one of the new general permits has been granted.

22. Once I receive coverage under one of the new general permits will I need to reapply for renewal of coverage every 5 years?

Yes, to renew coverage when the general permits are reissued a new eNOI will be required to be submitted.

23. For new or expanded facilities with no constructed ponds, how do they meet the 30 day sampling requirements?

If no ponds are constructed the permittee is to use NODI Code N on the DMR for "Not Constructed".

24. Is there a fee if you are transferring a KPDES permit?

No

25. If a haul road is associated with multiple mines, which should it be combined with?

It can be combined with any site.

eNOI

1. **Will there be any training sessions on how to complete an eNOI?**

Yes! DOW will host four (4) GP training sessions which will include the eNOI completion and submission process. October 2nd – Frankfort. October 8th – Pine Mountain State Park. October 9th – Jenny Wiley State Park. October 23 – Madisonville Community College.

2. **Where will I find eNOI-KYG04?**

A short cut will be located on DOW's home page at: http://water.ky.gov/Pages/default.aspx

3. **Is the eNOI-KYG04 compatible with my internet browser?**

This website requires browser versions Internet Explorer 10+, Firefox 26+, and Chrome 34+, provided you have turned-off the compatibility mode. Firefox and Chrome are the recommended browsers. This website also requires Adobe Flash.

There could be some viewing issues if using Internet Explorer (IE) versions older than 10. If using IE or Chrome **do not use the Backspace key, or you will lose data.** The "Enter" key gives you an error.

4. **How do I get started completing the eNOI?**

Once you have clicked the link to the eForm, select "Continue with Blank eForm". A link to the instructions is provided in the upper right corner of the title page.

5. **What do I do if I choose "Continue with a blank form" and the form won't open?**

Check the compatibility instructions on DOW's home page at: http://water.ky.gov/Pages/default.aspx

6. **How much time will I have to complete the eNOI online?**

For Security reasons, the website only supports 45 minutes to complete data entry at any given time and will 'time out', and all data will be lost. "Save" your data to reset the clock. Please keep this in mind when filling out an eForm and remember to save often. If you expect to be inactive for 15 minutes or more, click the button "Click to Save Values for Future Retrieval" found at bottom of the form. A Transaction ID # is issued each time you save data. It is important to record this Transaction ID in order to log in again and resume the application process.

7. **What happens if the form times out before I have completed it?**

All work entered from the last time that you saved it, will be lost. However if you save your work by clicking on "Click to Save Values for Future Retrieval" prior to timing out, you will be given a Transaction ID that will allow you to reopen the form and resume working. It is important to record the Transaction ID, EACH TIME YOU SAVE, in order to resume the application process where you left off.

8. **If I don't save the Transaction ID or lose it how can I return to my saved information?**

You can't! DOW does not have a means of retrieving saved worked without the Transaction ID.

9. I have completed the eNOI and have pressed the submit button but nothing happens what do I do?

You will receive an error message if the form is incomplete. Review the form and verify that all required fields have been completed. A required field will be marked with an asterisk (*). Incomplete fields will be identified with an error message in RED text.

10. I have completed as much of the eNOI as I can but need more information before I can submit what should I do?

Click the "Click to Save Values for Future Retrieval" button and save the Transaction ID. Failure to keep the Transaction ID will preclude you from reopening the saved form and continuing with its completion.

11. I need to complete an eNOI that I previously started how do I retrieve that work?

Click the eNOI-KYG04 short cut located on DOW's home page at: http://water.ky.gov/Pages/default.aspx.

When the eForm appears click the "Proceed" button and enter the last Transaction ID where requested.

12. When I saved the eNOI that I was working on for a second time I received a new Transaction ID. Now, I have two Transaction IDs for the one eNOI, which one do I use to complete my work?

Each time you save an eNOI a new Transaction ID is generated. To retrieve the most recently saved version, you will need to enter the latest Transaction ID.

13. How long after I have saved an eNOI can I go back to it?

The saved eNOI remains forever in the database and can be accessed anytime by entering the associated Transaction ID for that saved document.

14. Does saving an eNOI for the second time overwrite the previously saved version and that version is lost?

No, each time an eNOI is saved a new Transaction ID is generated for each version. Entering the Transaction ID for an earlier save will bring up the eNOI as it was saved at the time that Transaction ID was generated

15. I have several eNOIs to complete for the same permittee, is there a way to use previously saved data to complete those portions of the eNOI that would be the same?

Yes! After completing the data sections of the eNOI that are not going to change, save the eNOI and record the Transaction ID number as your template. When starting a new eNOI Application, enter the Transaction ID for your template and check the box "I want a New eForm with values from previously saved/submitted ID". Then click the "Proceed Button".

16. What information should I have on hand to save time in completing the eNOI?

DOW recommends that you open a blank form by clicking the "Continue with Blank eForm" button and read through the form and associated instructions.

17. Why does the eNOI allow for additional tables in Section III – Specific Site Activity Information?

In certain situations the Department for Natural Resources (DNR) may have issued two or more Surface Mining Control and Reclamation Act (SMCRA) permits for an operation that DOW considers one facility. For example, coal preparation plants and associated slurry disposal areas are considered one facility by DOW. Therefore, the SMCRA permits would be combined under a single KPDES coverage.

18. Are there other such examples where SMCRA permits will be combined under a single KPDES coverage?

Yes! Separate SMCRA permits for haul roads or "underground workings" will be combined with adjacent SMCRA mine permits.

19. How do I add additional SMCRA permits for coverage under a single KPDES coverage?

After completing all information in Section III for the first SMCRA permit, click the "Add" button at the bottom of the table to add a new table for a second SMCRA permit. Repeat the process for as many SMCRA permit as necessary.

20. How do I get back to a previously entered SMCRA permit since the application only shows the current SMCRA permit being entered?

At the bottom of the table, the "Previous" and "Next" buttons will allow you to navigate between Site Activity Information tables when multiple SMCRA permits are entered. **Please note** that the required Site Activity Information table for the current SMCRA permit must be completed before you are able to use the navigation buttons. Otherwise; an error will be displayed.

21. How do I delete a table if I need to remove a SMCRA permit?

At the bottom of the table, click the "Remove" button to delete any tables that need to be removed.

22. When the eNOI asks for acreage of reclamation areas, does that mean just areas with Phase I bond release or does it include all areas where mining is finished and reclamation has begun?

The acreage required here depends on when the eNOI is completed. If it is completed prior to the issuance of coverage under the new general permit, it is the total acreage that has received Phase I bond release. If it is completed after issuance of coverage, it will be the total acreage that received Phase I bond release before the issuance of coverage and the acreage draining to a sediment control structure that DOW has approved for reclamation limitations.

23. I have more than one hollow fill on the operation, how do I enter the required information?

When you enter the total number of hollow fills in the "Number of Hollow Fills" field, the form will expand to add sufficient replicates of the hollow fill table.

24. The "Status" field of the Hollow Fill Inventory section has three optional answers in the drop down box: Existing, Expanded and Proposed. What do these three options mean?

Existing – is a hollow fill that was previously permitted prior to the effective date of the new coal general permits.

Expanded – is an existing hollow fill that is being enlarged by 10% or more over its original design.

Proposed – is a hollow fill that is proposed that is permitted by DNR after the effective date of the new general permits.

25. I have several outfalls but the form has only fields to enter information on one of the outfalls do I attach additional sheets?

After completing the information for the first outfall, click the "Add" button at the bottom of the section to add a second outfall. After the information for the second outfall is completed repeat the process to add as many outfalls as necesarry. All information is required to be completed for each outfall prior to adding a new outfall.

26. If I don't have any outfalls on this permit do I have to complete Section IV?

No, Section IV is not required to be completed if there are no outfalls.

27. If I don't have any outfalls do I have to submit an effluent sample?

No, if you do not have any outfalls you are not required to submit an effluent sample.

28. What is the KPDES Outfall Number?

It is the three digit identifying number assigned for each outfall by DOW.

29. Can I choose my own KPDES outfall numbers?

You can assign your own three digit numerical identifier starting with 001 and preferably running consecutively.

30. The "Status" field of the Outfall Information section has five optional answers in the drop down box: Existing, Proposed, Deleted From Plan, Outfall Removed and Expanded. What do these five options mean?

- Existing is defined as previously permitted.
- Proposed is defined as an outfall that has not yet been permitted.
- Deleted from plan is defined as an outfall that was proposed but never constructed.
- Outfall Removed is defined as an outfall that was previously permitted and utilized and has been removed.
- Expanded is defined as an outfall that has an increase in discharge due to the addition of new acreage to the drainage area.

31. I am completing an eNOI-KYG04 for a western Kentucky operation and the "Type of Outfall" is not required, what do I do?

You are not required to provide this information for operations located in the western Kentucky coalfields.

32. I am completing an eNOI-KYG04 for a eastern Kentucky operation but the "Type of Outfall" dropdown box only includes two types of outfalls neither of which are appropriate for some of the outfalls for which I am seeking coverage can I enter an outfall type other than bench or in-stream?

No, the term in-stream refers to any outfall where the sediment control structure is constructed within the natural drainage way of a water body, has a continuous discharge or has an average discharge duration of 96 hours or more. Bench outfalls are any outfall that does not meet the definition of an in-stream outfall.

33. My current coal GP coverage has numerous ponds that have been removed but I'm still reporting them on DMRs; will those ponds (outfalls) be inactivated as part of the eNOI review?

Yes, the status of all sediment control structures and their associated NetDMRs will be updated as part of the review for coverage under one of the new general permits.

34. When reporting drainage areas of proposed ponds, do I include area outside the permit boundary?

When reporting the drainage area for any sediment control structure, you report all mining and/or processing related drainage that flows to that structure as well as all natural drainage from outside the permit boundary to the structure.

35. Am I required to submit an effluent sample for each outfall?

Yes, unless you can demonstrate that two or more outfalls are substantially identical thus allowing you to submit representative data.

36. What are substantially identical outfalls?

Substantially identical outfalls are outfalls that receive drainage from the same type of activities, utilize the same type of sediment control structures, are within the same watershed, are expected to produce similar effluents and would be subject to the same effluent limitations.

37. How do I demonstrate I have substantially identical outfalls?

Attaching a justification statement to the eNOI that describes the types of activities taking place within the contributing drainage area of each outfall, including the coal seams mined, overburden characteristics, mining methods, etc., the type of sediment control structure utilized at each outfall, the expected frequency and volume of flow from each outfall, and why the outfalls are expected to produce similar effluents. Attaching supporting documentation, such as the geologic continuity descriptions from your SMCRA permit, is encouraged.

38. If I demonstrate I have substantially identical outfalls how many representative outfalls will I have to sample?

You must sample at least one representative outfall per type of sediment control structure and type of effluent within each HUC 14 watershed.

39. If I don't have any existing outfalls can I use data from an adjacent operation?

Yes, provided you can demonstrate the adjacent operation is substantially identical to the operation seeking coverage. A justification statement attached to the eNOI that describes the types of activities taking place within the contributing drainage area of each outfall, including the coal seams mined, overburden characteristics, mining methods, etc., the type of sediment control structure utilized at each

outfall, the expected frequency and volume of flow from each outfall, and why the outfalls are expected to produce similar effluents.

40. If I don't have any existing outfalls and there is no adjacent operation that is substantially identical can I use estimated values?

Yes, estimated data may used in such circumstances provided you submit a justification statement with the eNOI that explains your reasoning why the estimated data would be consistent with the discharges from the operation.

41. How old can the effluent data be?

If renewing KYG04 coverage, at lease one sample must be taken no more than 4 years prior to the date of this submittal. If submitting an application for a new or expanded facility, samples must be taken within 12 months of this submittal. If submitting an application for an expanded facility, submit a sample from the existing site.

42. Do effluent samples have to be analyzed by a Kentucky certified wastewater laboratory?

Samples taken after January 1, 2015 will be required to have been analyzed by a Kentucky certified wastewater laboratory. Field only laboratories are required to be certified by January 1, 2016.

43. What is required to be certified as a field tech?

Information for becoming certified as a field only laboratory can be found at http://water.ky.gov/permitting/Pages/wastewatercertification.aspx.

44. If I don't have any existing outfalls or no similar activity where I can obtain a sample and do not want to estimate the discharge quality, can I submit the discharge data after I begin operation?

No, you must provide an estimate of the discharge quality at a minimum to obtain coverage. Discharge data will then be required to be submitted within 2 years of commencing discharge to maintain coverage.

45. How many in-stream monitoring locations am I required to sample?

The number of in-stream monitoring locations is dependent on the configuration of the activity and the number of watersheds impacted. But at least one is required per receiving water body.

46. How do I determine where to place my in-stream monitoring locations?

They are to be placed where the impact of the discharges from the activity can be assessed. To insure the appropriate locations are selected, the permittee is required to submit a topographic map illustrating the location of all existing and proposed KPDES outfalls associated with the activity and the proposed in-stream monitoring locations to DOW for review and concurrence. This is submitted in the Pre-Mining Survey Map (PMSM) form.

47. Why is the up-stream monitoring site no longer required?

DOW no longer requires an up-stream site although the permittee can use this location for background data.

48. If a bench pond has a continuous discharge classifying it as an in-stream pond, how do you determine the monitoring points?

At a minimum, one in-stream monitoring point directly below the outfall along with one downstream monitoring point of the receiving stream located after the confluence but above any tributaries is required.

49. How will I know if I have selected the right in-stream monitoring locations for my activity?

DOW will notify the permittee if it concurs with the proposed locations or it will recommend changes to the proposed locations.

50. Can I collect in-stream samples before DOW concurs with the in-stream monitoring locations?

No, you must wait until you receive concurrence from DOW or the data may be unusable.

51. What are "associated KPDES outfalls" to the In-Stream Monitoring Locations?

The permittee is to list the KPDES outfalls that would discharge to the receiving waters above the in-stream monitoring location.

52. When should I collect samples at the in-stream monitoring locations?

Sample events are to occur during the appropriate index periods: (1) headwater streams – February 15th through May 31st, (2) wadeable streams – May 1st through September 30th.

53. What is a headwater stream?

It is a water body with less than 5 square miles of contributing drainage area.

54. What is a wadeable stream?

It is a water body with a contributing drainage area of greater than or equal to 5 square miles.

55. How am I to collect the flow and chemical data at these in-stream monitoring locations?

DOW has placed following Standard Operating Procedures (SOPs) on its webpage at: http://water.ky.gov/permitting/Pages/Mining.aspx: (1) "Sampling Surface Water Quality in Lotic Systems", (2) "In situ Quality Measurements and Meter Calibration", (3) "Sample Control and Management", and (4) "Measuring Stream Discharge".

56. How am I to collect and analyze the biological data at these in-stream monitoring locations?

By following DOW's SOP "Methods for Conducting Resource Extraction Individual Permit Intensive Surveys in Non-OSRW Streams of the Eastern Kentucky Coalfields" located on DOW's mining webpage at: http://water.ky.gov/permitting/Pages/Mining.aspx:

57. I have missed the index period can I submit the eNOI now and submit the in-stream data later?

Yes! However; the eNOI will not be processed until you have submitted all required data.

58. What is a KPDES map?

It is a comprehensive 1" to 400' scale map that shows the total permit boundary including acreage, location of outfalls for the entire KPDES permit area, flow lines, all adjacent DNR permits including boundaries of any overlapping or shared ponds.

59. Who has to sign the eNOI?

As with all other applications, reports and documents submitted to DOW the signatory requirements of 401 KAR 5:060, Section 4 apply. For a corporation a responsible corporate officer such as the president, secretary, treasurer, or vice president or a manager of one or more manufacturing, production or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the duty of making major capital investment recommendations and initiating and directing comprehensive measures to assure long term environmental compliance.

60. I'm a small operator and I rely on consultants and contract labs to do most of my permitting work. Can the consultants and labs submit all these electronic forms for me?

Yes, provided you have that you sign the forms or have authorized them in accordance with the requirements of 401 KAR 5:060, Section 4 to sign for you.

61. How do I pay the fee once I submit a completed eNOI?

Once you have successfully submitted a completed eNOI you will automatically be taken to DEP's ePay site for electronic payment of the filing fee.

62. What if I don't wish to use the ePay site and want to submit a paper check?

Paper checks will not be accepted, only by completing payment through the ePay site will the eNOI will be accepted.

63. How do I know if my eNOI has been successfully submitted?

You will receive a submittal number that you will need to record and save for future inquiries regarding the submittal.

64. Having successfully submitted the eNOI will I automatically receive coverage under one of the new general permits?

No, DOW shall review the eNOI and determine if the activity is eligible for coverage under either of the new general permits.

65. I have successfully submitted my eNOI but have found I made a mistake can I recall my last version using the transaction code, make corrections then resubmit?

No, you will need to send an e-mail to the Amy Van Horne, Resource Extraction Section Supervisor at Amy.VanHorne@ky.gov . The e-mail will need to explain what errors were made and supply the correct information. A permit writer will make the corrections to the form and release it back to you in the form of a notice of deficiency so that you can verify the corrected fields then resubmit.

66. How will I be notified that coverage under one of the general permits has been granted?

The agency will issue a new coverage letter notifying the permittee.

NetDMRs

1. What are electronic DMRs?

They are DMRs submitted through EPA's web-based tool NetDMR.

2. Where can I get information regarding NetDMR?

At DOW's NetDMR Information webpage at:
http://water.ky.gov/permitting/Pages/netDMRInformation.aspx

3. Can I continue to submit paper DMRs to the appropriate DNR regional office if I chose?

No, for compliance with the KPDES permit requirements all DMRs must be submitted using the NetDMR tool.

4. What is NetDMR?

NetDMR is a national tool for regulated Clean Water Act permittees to submit Discharge Monitoring Reports (DMRs) electronically via a secure Internet application to EPA through the Environmental Information Exchange Network.

5. What are the benefits of using NetDMR?

The benefits of NetDMR to the permittee are:

1. Reduces paperwork burden
2. Improves data quality by automatically error-checking and validating data prior to submission
3. Improves timeliness and accessibility of data
4. Provides instant confirmation of submission
5. Allows for revisions of DMRs to be submitted electronically
6. Allows for electronic submittal of attachments and supplemental documentation

6. How do I get started in NetDMR?

By following these steps:

1) Create an account in the *NetDMR Production Site* (used for permit required DMR reporting).
2) Request access to your permit(s) for your *NetDMR Production* account. If you are responsible for multiple permits, you must request access to each permit. You must also print, sign and mail a subscriber agreement for each permit to the KY DOW Frankfort Office (address is on the form).
3) Verify your parameters and limits are the same as those on your permit. If there are discrepancies, contact KYDOW at 502-564-3410 about your DMR limits. You are now ready to enter and submit your data in the *NetDMR Production Site* (submissions satisfy your permit required reporting).

Print a copy of a submitted DMR (COR).

7. What Security information will I need to manage in NetDMR?

You will need the following information:

1. User Name
2. Password
3. Security Questions

Make sure you remember the email address you are using for NetDMR, your NetDMR User Name and Password for logging onto NetDMR and also the answers to the five security questions: they are case sensitive. You will need this information not only to logon to NetDMR but also to submit DMRs for processing, so please record this information in a secure location. Your password will need to be changed every 6 months. After this time has expired, you will be required to create a new password. You will not need to create a new account, you will just be asked to create a new password by entering the current password and then choosing a new password.

8. What if I forget my Password or Login ID?

On the initial login screen there is an option that once clicked will send an automated email to KY DOW requesting the password or Login ID. (You will be asked to answer one of your security questions to receive the information via your email address.) Alternatively, you may contact the individuals listed on the NetDMR webpage via phone or email.

9. How does NetDMR work?

Once you have created a NetDMR account and requested access to your permit your DMR will appear onscreen and you can enter your data for that monitoring period.

10. How do I report "No Discharge" data or reasons no sampling was conducted, in NetDMR?

NetDMR will provide a list of NODI (no data indicated) codes from which you can choose, when there is no NPDES data to report. Some of these codes will eventually generate a violation in the EPA database while others will not. For example if an outfall had no discharge for the monitoring period the NetDMR user can enter "No Discharge" (NODI code "C") for that outfall's entire DMR and it will not generate a violation in the EPA database. Whenever a NODI code is used instead of measurement data, the NetDMR submitter should place a comment in the comment section of the NetDMR to explain why no data was entered. For example, if no flow was measured due to a flow meter problem, the user could use NODI "G" on the parameter line and then explain on the comment box that the flow meter was being fixed after lightning hit. As with measured data, the NetDMR user will be responsible for the correct reporting and use of the No Data Indicated (NODI) codes when no data is reported.

11. My permit requires me to collect two samples per month but I was only able to collect one how should I report this in NetDMR?

You report the results of the one sample in the appropriate parameter fields, one in the number of samples taken field and in the comments field provide justification for why only one sample was collected and reported.

12. How Instead of completing each individual blank of the NetDMR for my facility's required DMR data each monitoring period, can I simply import my data into NetDMR, using an approved format?

Yes. You may download the template(s) for uploading DMR data at http://water.ky.gov/permitting/Pages/netDMRInformation.aspx.

There are two files, Download Excel Import Template for NODI DMRs is for DMRs where all parameters are a NODI code, and Download Excel Template for DMRs with Analytical Data is for DMRs with results or combination of results and NODI codes.

13. The on-bench ponds on my permits almost never discharge am I required to submit DMRs?

Yes, NetDMRs are required for all sampling periods even when there is no discharge from the facility.

14. Will I still need to submit DMRs every quarter?

You will need to submit monthly NetDMRs for those parameters that are monitored monthly; quarterly NetDMRs for those monitored quarterly and annual NetDMRs for those monitored annually.

15. Do I still need to keep paper copies of NetDMRs?

At this time, yes. This policy is under review by DOW.

16. When is my first NetDMR report due?

It is due the 28th day of the month following the initial monitoring period after receiving coverage under one of the new general permits.

17. If I have substantially identical outfalls, can I report the data on only the outfall where I took the sample?

No, you will have to submit NetDMR reports for all outfalls regardless of their status (unless the outfall has been removed).

18. The comment field does not have enough space for me to enter my entire justification what can I do?

You can attach electronic files to the NetDMR report for that monitoring period.

19. If I have questions regarding with NetDMR who do I contact?

You may E-mail questions to NetDMR@ky.gov.

20. If I need assistance with NetDMR who do I contact?

You can contact the NetDMR Coordinator by phone at 502-564-3410.

General Effluent Requirements

1. **Why are the only technology-based effluent limitations (TBELs) included in the new general permits the New Source Performance Standards (NSPS)?**

DOW included only the NSPS requirements in the new general permits due to the effective dates of NSPS requirements for the activities eligible for coverage. For coal preparation plants that began operation after January 31, 1982 and for coal mines that began operation or made changes that constituted a major alteration after May 29, 1984 the NSPS requirements apply. Based on the average operational life of these types of facilities it is unlikely that any that began prior to these dates are still in existence or have not made any changes that would have made them subject to the NSPS requirements.

2. **Why is the monthly average iron concentration a TBEL and the daily maximum iron concentration a water quality-based effluent limitation (WQBEL)?**

Pursuant to state and federal regulations KPDES permits are required to both implement the national technology requirements, TBELs, and be protective of state water quality standards through the application of WQBELs. The NSPS TBELs for iron are 3.0 mg/l monthly average and 6.0 mg/l daily maximum whereas the WQBELs are 3.5 mg/l monthly average and 4.0 mg/l daily maximum. Therefore in order to comply with both requirements the more restrictive limitation for the monthly average (3.0 mg/l TBEL) and daily maximum (4.0 mg/l WQBEL) are imposed.

3. **Why did DOW omit "alkaline mines" from coverage under the new general permits?**

For two reasons one being for simplification of the permit requirements and two due to the small number of DOW permitted alkaline mines, less than 1% of the total DOW permitted coal operations. If wanting an alkaline mine, provide justification and apply for IP.

4. **Why was Oil & Grease monitoring not included on the effluent pages in the new general permits?**

Oil & Grease contamination is associated with ancillary activities and not with the drainage from the active mining areas. DOW has determined that "at source controls" implemented through the facilities Best Management Practices (BMP) plan are more appropriate than effluent monitoring requirements. Both of the new general permits require the permittee to develop, implement and periodically update a BMP plan for their operations.

5. **Why was alkalinity and acidity monitoring not included on the new general permits?**

The requirements related to alkalinity and acidity were EPA Region IV guidance from the 1970's that preceded the Coal Mining Point Source Category effluent guidelines. The guidance was to insure buffering in the sediment control structure to offset any acid mine drainage entering the structure. DOW and EPA Region IV have agreed the requirement is no longer necessary due to the Coal Effluent Limitation Guidelines (ELGs).

6. **Why has Whole Effluent Testing (WET) been imposed in the new general permits?**

40 CFR 122.44(d) requires the imposition of WET testing and limitations, when reasonable potential exists for the effluent to be toxic or when a narrative water quality standard may be exceeded.

7. **Shouldn't the WET testing requirement for coal preparation plants and underground mines be chronic as some of these may have continuous discharges?**

If the permittee indicates on the eNOI that the discharge from such an activity has a continuous discharge then the effluent limitations for the in-stream sediment control structure from active areas will be imposed if the activity is located in the eastern Kentucky coal field. If it is located in the western Kentucky coal field then the permittee will be required to obtain an individual permit.

8. **Why has total sulfate been added to the list of parameters to be monitored?**

Sulfate is commonly associated with coal mining and processing and is one of the salts that influence the total dissolved solids concentration and specific conductance of waters.

9. **Why has effluent limitations and monitoring for total recoverable selenium been added to the new general permits for some outfalls?**

DOW has reviewed application and discharge data from outfalls that exhibit continuous or long term flows, i.e. average discharge durations of 96 hours or greater, that indicated reasonable potential exists for total recoverable selenium to cause or contribute to an exceedance of chronic water quality standards.

10. **Why have limitations and monitoring requirements for total recoverable selenium residue in fish tissue been included in the new general permits?**

Kentucky's chronic water quality criterion for total recoverable selenium is a fish tissue criterion. In order to implement this requirement monitoring of fish tissue is required when triggered by the monthly average total recoverable selenium discharge concentration.

11. **Why are "bench ponds" not subject to WET testing, total recoverable selenium, and total recoverable selenium fish tissue requirements?**

Due to the sporadic nature and short term duration of discharges from "bench ponds" DOW has determined that reasonable potential for chronic impacts on the water quality does not exist.

12. **Can I go to post-mining monitoring parameters if I get Phase I bond release from DNR?**

In the new general permits to transition from active mining effluent requirements to reclamation area effluent requires the permittee must submit to DOW a request using eNOI-KYG04. DOW will determine if the discharge is in substantial compliance and either approve or deny the transition. If denied active mining effluent requirements will remain in effective even if DNR grants Phase I bond release.

13. **I have filed an eNOI-KYG04 to change outfall status when can I switch to other monitoring requirements?**

Not until DOW notifies you the change has been approved and modifications to your NetDMRs have been completed.

14. Is there a fee required to request a modification to change effluent limitations?

Yes, change effluent limitation requires a major modification to the permit coverage and requires an application to be submitted. Thus a fee of $1,300 is required. It is recommended to lump as many changes as possible together to minimize application fees.

15. When transitioning from active mining to reclamation status, is this considered two separate issues between DOW and DNR?

Yes, changing from active mining to reclamation on the coal general permits is considered separately from transitioning with DNR. The DOW permit is on a pond by pond basis in determining the status.

16. I have sold my activity to another party when am I released from the obligations under the general permits?

Either party can submit a request for the transfer through the ePortal. Upon DNR approval of the transfer, a coverage letter will be issued by DOW releasing the seller from further obligations of the general permit. Do not submit a transfer request on an eNOI.

Sanitary Wastewater Requirements

1. **Why are the effluent limitations for a discharge to a sediment control structure different from those for a direct discharge to receiving water?**

The effluent limitations for discharges to sediment control structures are technology-based effluents only whereas the effluent limitations for a direct discharge to receiving waters incorporate water quality-based effluent limitations.

2. **Why are discharges to sediment control structures subject only to the technology-based effluent limitations?**

The technology standards are the minimum treatment that must be applied to biochemically degradable wastewaters. Such requirements cannot be achieved by diluting the raw wastewater in a higher volume of wastewater. Therefore the technology-based effluent limitations must be applied before the sanitary wastewater is commingled with other wastewaters in the sediment control structure.

3. **Who can operate a sanitary wastewater treatment plant?**

Pursuant to 401 KAR 5:010, Section 1 the operation of a sanitary wastewater treatment plant requires a certified operator.

4. **What is a certified operator?**

An individual who has met the qualification requirements of 401 KAR11:030 and has received a certificate of competency from the Energy and Environment Cabinet.

5. **Is there a list of certified operators?**

Yes, the list can be downloaded as an EXCEL file at:

http://dca.ky.gov/certification/Pages/Employment-Opportunities.aspx

Total Recoverable Selenium Requirements

1. **The monthly average discharge concentration from one of the sediment control structures on my permit was 5.0 µg/l am I required to collect fish for tissue analysis?**

Yes, collection of fish for tissue analysis is required if the 5.0 µg/l monthly average trigger is exceeded.

2. **If I am only able to collect one sample from a sediment control structure during a month and the sample results are equal to or greater than 5.0 µg/l am I required to collect fish for tissue analysis?**

Yes, the monthly average is defined as the sum of all samples collected during the monitoring period divided by the number of samples. If the total number of samples collected during the monitoring period is only one sample then the monthly average is the analytical result for that sample.

3. **I have exceeded the 5.0 µg/l monthly average trigger on one of my sediment control structures when do I have to collect the fish for the tissue analysis?**

You must collect the required number of fish during calendar month immediately following the calendar month in which the exceedance occurred, i.e. if the trigger was exceeded in May fish must be collected in June.

4. **When is the fish tissue analysis to be completed?**

The calendar month immediately following the calendar month in which fish collection was conducted, i.e. if collected in June the analysis must be completed in July.

5. **If I have another exceedance from the same outfall the following month do I have to collect another fish sample?**

Yes, each time the monthly average discharge from an outfall meets or exceeds the 5.0 µg/l the permittee is required to collect fish for tissue analysis the calendar month immediately following the month in which the exceedance occurred.

6. **How long will I have to continue to collect fish for tissue analysis?**

You may cease fish collection and tissue analysis when the monthly average discharge from the outfall is less than 5.0 µg/l.

1. **Where am I to collect the fish?**

Beginning 5 meters below the outfall and extending 100 meters downstream. If you cannot collect the required fish within 100 meters downstream of the outfall then you can continue to collect fish in three subsequent 100 meter reaches downstream of the initial reach.

2. **How many fish do I collect?**

You must collect enough fish for two composite samples, one original and one duplicate/replicate. Each composite sample will consist of two to five individuals of the same taxon.

3. What kind of fish am I to collect?

All fish collected must have reached reproductive maturity and be on a minimum length depending on the taxon. In headwater streams there are six taxa of common fishes that are target species. In wadeable streams there are 14 taxa of common fishes that are target species.

4. What is a headwater stream?

Headwater streams are waterbodies with less than 5 square miles of contributing drainage area.

5. What are the target species for a headwater stream?

Campostoma spp. (Stonerollers),
Catostomus commersonii (White Sucker),
Chrosomus erythrogaster (Southern Redbelly Dace),
Hypentelium nigricans (Northern Hogsucker),
Rhinichthys atratulus (Blacknose Dace), and
Semotilus atromaculatus (Creek Chub)

6. What is a wadeable stream?

Wadeable streams are waterbodies with a contributing drainage area of 5 square miles or greater.

7. What are the target species for a wadeable stream?

Campostoma sp. (Stonerollers),
Catostomus commersonii (White Sucker),
Chrosomus erythrogaster (Southern Redbelly Dace),
Hypentelium nigricans (Northern Hogsucker),
Rhinichthys atratulus (Blacknose Dace),
Semotilus atromaculatus (Creek Chub),
Ambloplites rupestris (Rock Bass),
Cyprinella spp. (Shiners),
Etheostoma caeruleum (Rainbow Darter),
Etheostoma flabellare (Fantail Darter),
Lepomis spp. (Sunfish),
Luxilus chrysocephalus (Striped Shiner),
Lythrurus spp. (Finescale Shiners), and
Pimephales notatus (Bluntnose Minnow)

8. What if I can't collect enough fish within the four l00 meter reaches downstream of the outfall?

Then the 5.0 µg/l monthly average trigger becomes a monthly average effluent limitation and there is a permit violation.

9. What procedures do I follow concerning fish collection and tissue analysis?

The permittee is to follow the set of protocols entitled "Methods for the Collection of Selenium Residue in Fish Tissue Used to Determine KPDES Permit Compliance" incorporated into each permit as Appendix A.

10. The average monthly concentration for total recoverable selenium for my outfall was greater than 5.0 µg/l but my fish tissue results were 8.6 mg/Kg, am I in violation of the permit?

No, the 5.0 µg/l monthly average is only a trigger to perform fish tissue analysis. If the result of that analysis is less than or equal to 8.6 mg/Kg, you have not violated the permit. However, if you are unable to collect the required fish sample, then the 5.0 µg/l is a permit limit.

11. I exceeded the 5.0 µg/l trigger during a month in which the results of fish analysis perform in response to a previous triggering event was less than 8.6 mg/Kg, do I need to collect fish and perform fish tissue analysis again?

Yes, each triggering event is independent of the analytical results of prior sampling events.

12. Won't repeated fish tissue analysis for selenium deplete the fish populations in areas that have selenium?

The target species of fish selected for collection have sustainable populations and therefore repeated sampling should not appreciably deplete their numbers.

13. If I am authorized to use substantially identical outfalls for compliance monitoring and the outfall I monitor exceeds the trigger can I collect fish downstream of that outfall only?

No, you must collect fish downstream of each outfall that has been designated as substantially identical outfalls if the representative outfall triggers fish collection.

14. I have more than one outfall within the same watershed that is subject to the selenium requirements can I collect only one set of fish samples for all of the outfalls?

Unless the sampling reaches downstream of each outfall would overlap no you are required to sample below each outfall.

15. When do the monitoring and effluent limits for total recoverable selenium become effective?

For existing facilities the effective date is January 1, 2016 and for new or expanded facilities within 30 days of the effective date of coverage.

16. What is an "existing facility"?

An existing facility is a facility that received coverage und KYG040000 or an individual permit prior to the effective date of the new general permits.

17. What is a "new facility"?

A new facility is a facility that commences operation after the effective date of the new general permit and includes the following:

1) New surface mining areas draining to in-stream sediment control structure(s);
2) A new coal preparation plant; or

A new underground mine is an underground mine that has a surface discharge

18. What is an "expanded facility"?

Expanded facilities are existing facilities where one or more of the following occur after the effective date of the new general permit:

1) Expanded active surface mining areas draining to an in-stream sediment control structure include:
   a) new acreage (greater than 10 % of the originally permitted acreage not to exceed 20 acres) draining to an existing in-stream sediment control structure, or
   b) a new fill, or the enlargement of an existing fill over its original design by 10 % or greater ;
2) A coal preparation plant where a new slurry impoundment or enlargements of an existing slurry impoundment over its original design by 10 % or greater (acreage);
3) An underground mine the expansion of which necessitates a new surface discharge.

WET Requirements

1. What is WET testing?

WET testing measures a wastewater's effects on specific test organisms' ability to survive, grow and reproduce.

2. What is an acute WET test?

The acute WET test is multi-concentration, or definitive test, consisting of a control and a minimum of five effluent concentrations used to determine at what percent effluent concentration the wastewater is toxic to 50% of the test organisms with a 48 hour period of time.

3. What test organisms are used in an acute WET test?

Two species of test organisms are required to conduct the acute WET test, one species of water flea (Ceriodaphnia dubia, Daphnia magna or Daphnia pulex) and the fathead minnow (Pimephales promelas).

4. What are the sampling requirements for an acute WET test?

The permittee is required to collect two discrete grab samples during a period of discharge that are at least 2 hours apart but no more than 48 hours apart.

5. How is an acute WET test conducted?

Each of the two discrete grab samples are individually tested using both the water flea and fathead minnow for a total of 4 tests. Tests are to be conducted in accordance with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, EPA-821-R-02-012 (5th edition).

6. How many of the 4 tests do I have to fail before I have failed acute WET testing?

Failing any of the 4 tests, results in the failing of the acute WET testing requirement.

7. What is a chronic WET test?

The chronic WET test is multi-concentration, or definitive test, consisting of a control and a minimum of five effluent concentrations used to determine at what percent effluent concentration the wastewater affects on the hatchability, gross morphological abnormalities, survival, growth, and/or reproduction of the test organisms over a 7 day period.

8. What test organisms are used in a chronic WET test?

Two species of test organisms are required to conduct the chronic WET test, the water flea (Ceriodaphnia dubia) and the fathead minnow (Pimephales promelas).

9. How is a chronic WET test conducted?

Beginning with day 1 the permittee initiates a separate test for each of the two species. Each subsequent day of the test the permittee renews the test water using samples of the effluent collected on days 1, 3 and 5 of the discharge. Tests are to be conducted in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (4th Edition), EPA-821-R-02-013

10. What are the sampling requirements for a chronic WET test?

The permittee is required to collect and composite daily three (3) sets of 2 discrete grab samples on days 1, 3, and 5 of the discharge. The samples shall be collected during periods of discharge at least 2 hours apart but no more than 48 hours apart.

11. What happens if the discharge ceases before I can collect the required number of samples?

The test is considered incomplete and you will need to report NODI Code F on the NetDMR for that outfall, and submit a copy of the DMR with an explanatory cover letter to DOW in place of the required WET Report.

12. Has DOW considered the number of ponds for wet testing vs. the number of certified labs?

Yes, there are currently 12 labs certified for WET testing before any facilities have been issued coverage under the new coal GPs. The new GP allows a phased implementation of WET testing requirements that will provide time for the development and certification of additional labs for WET testing. Any new or expanded facility that receives coverage will be required to initiate quarterly WET testing within 30 days of the effective date of coverage, but the actual WET testing will only be required once the eligible pond is constructed. Prior to pond construction permittees will submit copies of no-discharge DMRs in lieu of WET test results. Existing facilities must apply for coverage under the new GP within 180 days, and will be required to initiate WET testing no later than January 1, 2016. The delayed implementation for existing facilities allows additional time for development of WET Testing lab capacity.

13. In-stream ponds with flows less than an average of 96 hours, are they acute or chronic?

Under the new Coal KYG04, an in-stream pond is a sediment control structure that is constructed within the natural drainage way of a water body, has a continuous discharge, or has an average discharge duration of 96 hours or more. If the structure meets any one of the three conditions, it is classified as an in-stream sediment control structure and is subject to chronic WET effluent limitation requirements.

14. What if pond does not discharge more than 96 hours in order to collect discharge for sampling?

Three sets of 2 discrete grab samples are collected and composited for chronic WET testing on days 1, 3, and 5 of a discharge. If flow is of insufficient duration to allow the collection of all of the required samples, the permittee shall submit a No-Discharge DMR with NODI code “F” (insufficient flow for sampling) and also submit a copy of the No-Discharge DMR to the WET coordinator in place of the required WET Testing Report.

15. If a bench pond flows more than 96 hours do they have to do chronic testing?

A bench pond that has a continuous discharge or has an average discharge duration of 96 hours or more would be classified under this permit as an “In-stream” sediment control structure and would be required to perform chronic WET Testing. WET testing is not required for sediment control structures that do not meet those flow criteria and are classified as “bench” sediment control structures for purposes of this permit.

16. How much time does there need to be in-between flows in order to be considered insufficient flow?

If discharge is intermittent (not continuous), samples for WET Testing must be taken during a period of continuous flow.

17. If there is no flow reported on the DMR, do they still need to notify the wet section?

Yes, a copy of the no-discharge DMR must be submitted to the WET coordinator in place of the required WET Testing report.

18. Why can't DOW just download the copy of the DMR for wet results?

WET results must be submitted directly to DOW in order to meet the requirements to notify DOW of a failed WET Test within 5 days of test completion and to submit WET Test reports to DOW within thirty (30) days of test completion.

19. Will a statement saying no discharge work for wet reporting?

No. A copy of the No-Discharge quarterly DMR must be submitted.

20. Will WET testing take other influences into consideration? (Example: herbicide used along RR tracks)

It is the permittee's responsibility to submit with the WET Testing report information and documentation of conditions or circumstances that may have affected the samples taken for WET Testing or the results of the WET Testing.

21. Do I have to fail both tests to have failed chronic WET testing?

No, failing the WET test for either species is a failure of the chronic WET testing requirement.

22. Does WET testing have to be performed by a certified wastewater laboratory?

Yes

23. What happens if I fail a WET test?

For a failed acute WET test, you are required to conduct a second round of testing within 10 days of failing the test. For a failed chronic WET test, a second round of testing must be conducted within 15 days of the failed test.

24. Do I conduct the second round of tests on only the species that failed the test?

No you are required to conduct the second round of tests on both species.

25. If I don't fail the second round of testing what happens?

You have demonstrated that the toxicity was not persistent and that further testing is not required. Thus you can return to the normal testing requirement of once per quarter.

26. What happens if I fail the second round of testing?

Regardless of the type of testing, you are required to conduct *accelerated testing* consisting of four additional rounds of WET testing on both species within 60 days of failing the second round of testing. If any two of the six total tests are **significant** failures (1.2 times the permit limit) or any four of the six tests are failures, toxicity is considered to be persistent, and a Toxicity Reduction Evaluation (TRE) is required. If both the first and second round tests are **significant** failures (1.2 times the permit limit), toxicity is considered to be persistent without the need for accelerated testing and a Toxicity Reduction Evaluation is required.

27. What is a TRE?

A TRE is a process whereby the permittee continues to conduct toxicity testing to identify the source of toxicity and to evaluate and implement corrective actions to eliminate the toxicity.

28. Can I get a reduction in WET testing requirements?

Yes, there are two reductions available. The first is a reduction to the most-sensitive single species and the second is a reduction in monitoring frequency from quarterly to annually.

29. How do I get a reduction to a single species?

After at least six (6) consecutive passing toxicity tests using both, the water flea and the fathead minnow, a request for testing with only the most sensitive species may be submitted to DOW. Upon approval, the most sensitive species may be considered as representative and all subsequent compliance tests may be conducted using only that species unless directed at any time by DOW to change or revert to both.

30. How do I get a reduction in monitoring frequency?

The permittee may request a reduction in the frequency of WET testing from quarterly to annual upon demonstration that no test failures, incomplete tests, or invalid tests occurred during the following specified timeframes:

1. Existing facilities four (4) consecutive quarters;
2. New or expanded facilities eight (8) consecutive quarters

See answers to the questions of the previous section for definitions of existing, new, and expanded facilities respectively.

31. I currently have an individual permit that requires WET testing; may I submit these tests to get an immediate reduction in frequency or to a single species?

Yes. When submitting the eNOI for coverage under the new GPs attach the completed WET tests and a request to reduce the monitoring requirements for WET testing. DOW will review the request along with the application for coverage.

32. How do I get a reduction to a single species?

For existing discharges the effective date is January 1, 2016 and for new or expanded discharges within 30 days of the effective date of coverage.

33. Does DOW have a list of laboratories that perform WET testing?

Yes, the list is available on DOWs WET webpage at:
http://water.ky.gov/permitting/Pages/WholeEffluentToxicityTesting.aspx

34. Are the WET testing labs required to become Kentucky certified wastewater laboratories?

Yes

Alternate Precipitation Effluent Limitations (APELs)

1. **What are APELs?**

APELs are alternate effluent limitations that a permittee may substitute for dry weather limitations on a case-by-case basis when a qualifying precipitation event has influenced the discharge from an outfall.

2. **What is a qualifying precipitation event?**

It is the volume of rainfall or snowmelt that has occurred during 24 hours preceding the commencement or increase in volume of a discharge.

3. **What parameters eligible for APELs?**

Settleable Solids (SS), Total Recoverable Manganese (Mn), Total Recoverable Iron (TRFe) and Total Suspended Solids (TSS)

4. **Why are Mn, SS, TRFe and TSS the only parameters eligible for APELs?**

APELs are only available for technology-based effluent conditions; these four parameters are the only four parameters on the general permit that are solelytechnology-based or for TRFe a combination of water quality and technology based. All other parameters are based on water quality.

5. **How will the alternate precipitation effluent limitations (APELs) be handled in NetDMR for active mining areas, underground mines (active and post mining) and coal preparation plants which have a monitoring frequency of 2/month?**

In addition to the normal parameters for these types of discharges the NetDMR will include settleable solids and precipitation volume. There are two fields for precipitation one for the first required monitoring event and one for the second required monitoring event. The following scenarios describe what you must enter into these fields and the fields for the normal parameters.

Applying for APELs for one sampling event

For the one event you are applying for APELs you will enter the inches of rainfall into the appropriate field for precipitation field, the results of the settleable solids analysis for that event, a comment in the comment field that you are applying for an APEL for the sampling event that occurred on that date, and you will need to complete the monthly average and daily maximum fields for each of the parameters using the data from the other non-precipitation influenced sampling event.

Applying for APELs for both sampling events

For each event you are applying for APELs you will enter the inches of rainfall into the appropriate field for precipitation field, the average of the settleable solids analytical results, NODI Code 9 in the fields for total recoverable manganese and total suspended solids, and a comment in the comment field that you are applying for an APELs for both sampling events on the dates of the events.

Not Applying for APELs

You will enter NODI Code 9 in the settleable solids and precipitation volume fields and complete all other fields as normal.

6. **Why are there only two columns for APELs in the new general permits when there were four in KYG040000?**

Two or the columns, "1-yr, 24-hr event" and "2-yr, 24-hr event", DOW determined were no longer applicable. The "1-yr, 24-hr event" column was related to coal refuse disposal piles only. DOW determined that the number of facilities that met the definition of coal refuse disposal piles was minimal and that it was unnecessary to include this column. Likewise the "2-year, 24-hour event" applied to only non-controlled surface mine drainage and was specific to total recoverable iron. During discussions with EPA, DOW became aware that APELs are not available for water quality-based effluent limitations and since the effluent limitations for total recoverable iron are water quality based the "2-yr, 24-hr event" column was no longer necessary.

7. **Why are there only one rainfall volume specified in each of the new general permits?**

In order to simplify the use of APELs DOW calculated the regional average "10-yr, 24-hr" precipitation volume from the county rainfall events published in Engineering Memorandum No 2. (4-30-71), Revised (6-1-79) "Rainfall Frequency Values for Kentucky". This approach is consistent with the requirements of the Coal Mining Effluent Guidelines (40 CFR 434.11 and 434.63).

8. **How will I know that request for APELs has been approved?**

Requests to use APELs for a specific event are conditionally approved provided the correct protocol has been used and the Division of Enforcement (DENF) has not notified you that your request has been found insufficient.

IN-STREAM MONITORING REQUIREMENTS

1. **Why does the new general permit for eastern Kentucky require in-stream monitoring?**

The in-stream monitoring requirement is a component of two of the three approaches to address the conductivity issue in the Appalachian coal fields.

2. **Why doesn't the new general permit for western Kentucky require in-stream monitoring?**

The western Kentucky coal fields are in the Illinois basin which has not yet demonstrated the reasonable potential to violate the narrative water quality standard for specific conductance.

3. **Why is in-stream monitoring required to address conductivity?**

Kentucky's narrative standard for specific conductance states "shall not be changed to the extent that the indigenous aquatic community is adversely affected". One of the means for determining if such a change is occurring is the comparison of in-stream data collected prior to commencement of mining and during active mining.

4. **What types of facilities are subject to this requirement?**

New and expanded active surface mining areas draining to an in-stream or continuous flow sediment control structure, new and expanded coal preparation plants, new or expanded underground mine.

5. **Why are existing facilities not subject to this requirement?**

The effects of an existing facility cannot be determined as the background conditions prior to initiation of mining cannot be established.

6. **Can I use the HUC 14 data I collected for KYG040000 to establish the background conditions of the receiving waters?**

The use of such data will depend on its age and where the HUC 14 in-stream monitoring points were located.

7. **How old can biological data be to establish background conditions of the receiving waters?**

Biological data up to two years old is acceptable. Data from three to four years old may be acceptable, but will require an evaluation by DOW prior to being accepted. It is in the best interest of the permittee to use the most recent data available to establish background conditions.

8. **What format will I use to report the annual and quarterly in-stream monitoring results?**

You will use NetDMR for reporting of this data.

9. **Why is there quarterly in-stream monitoring requirements?**

To evaluate chemical changes in the receiving waters to more quickly react to negative changes and implement corrective actions.

10. **What is the Biological Index Score?**

It is the numerical value calculated using several aquatic matrices which have been chosen to determine the aquatic health of a waterbody.

11. What is the Biological Index Category?

The Biological Index Category is a classification of a range of biological index scores that represent the health of a waterbody. The categories are Excellent, Good, Fair, Poor and Very Poor.

12. Why is there a number in the Biological Index Score Minimum field on the NetDMRs for my in-stream monitoring points?

It is an in-stream permit limitation based on the minimum score for the Biological Index Category determined by the pre-mining biological index score. The annual biological index scores are compared to this minimum criterion and if any single annual score is less than the permit limitation then the permittee's activities have caused an adverse change in the indigenous aquatic community and a permit violation has occurred.

13. Why is there an Additional BMP Conditions section in the BMP Plan requirements for the eastern Kentucky coal general permit?

This section further addresses the issue of in-stream specific conductance changes resulting from coal mining and processing activities. The section establishes triggers that result in the permittee's evaluation and modification of the best management practices employed.

14. What are the triggers?

There are three BMP evaluation triggers; the biological score trigger, the water quality trigger and the WET trigger.

15. How does the Biological Score Trigger work?

By directly comparing the annual biological index scores to the baseline biological index score determined during the pre-mining survey. Should the annual score be lower than the baseline score the trigger has been tripped and the permittee is required to evaluate the BMPs employed.

16. How does the Water Quality Trigger work?

The basis of this trigger is the comparison of discharge and in-stream levels of specific water quality parameters to the pre-mining levels of these parameters. If the quarterly average discharge levels exceed the baseline in-stream levels then the rolling average of two consecutive quarters of in-stream levels are compared to the baseline in-stream levels. If the rolling average exceeds the baseline by 10% for two consecutive quarters or by 20% for any calendar quarter the permittee is required to evaluate the BMPs employed.

17. How can a rolling average of two consecutive quarters of in-stream monitoring be compared to a one-time baseline water quality sample if there is seasonal variation of the measured parameters?

The one-time baseline water quality sample is the minimum number of samples DOW requires to be submitted by the permittee. If the permittee chooses to collect additional samples to better represent the ambient background water quality the permittee may do so but it is not mandatory.

18. How does the WET Trigger work?

If the permittee is required to development and implement a Toxicity Reduction Evaluation (TRE) as a result of failing WET tests then the permittee is required to evaluate the BMPs employed.

19. When do I have to notify DOW that a trigger has been tripped?

Within 5 days of tripping the trigger.

20. How long do I have to complete the BMP evaluation?

The BMP evaluation has to be completed within 45 days of tripping a trigger.

21. What does my BMP evaluation have to include?

At a minimum, the findings of this evaluation shall include:

1) A list of known, practicable control measures, e.g. alternate treatment options, recycling wastewaters, land application of wastewaters, sequencing of fills for new operations, weep berms, etc., to address discharges from coal mining and/or processing operations;
2) For existing mining activities where changes to control measures are not practicable, a description of proposed off-site mitigation activities;
3) The order of implementing identified control measures;
4) Monitoring plans and schedules to support evaluating the effectiveness of each control measure;
5) A description of decision-making criteria and timelines for evaluating whether a particular measure has been effective and whether additional or different measures are required, including in-stream or effluent monitoring; and
6) Identification of a process for revising the BMP Plan should data obtained from monitoring the effectiveness of particular control measures warrant such revisions.

22. After completing the evaluation how long do I have to implement any BMP changes?

For changes that do not require a change to the SMCRA permit 90 days from finalization of the evaluation. For changes that require a change to the SMCRA permit 180 days from the issuance of the modified SMCRA permit unless DNR specifies an earlier date.

23. Will environmental factors out of the control of the permittee (such as flooding) be taken into account if it leads to a lowering of a biological score?

If data can be provided showing that the lowering of the biological score was not due to the activities conducted by the permittee, yes, DOW will take this into consideration.

Substantially Identical Outfalls

1. **Can I use substantially identical outfalls for compliance monitoring?**

Yes, federal and state regulations authorize the use of substantially identical outfalls for application purposes however neither speaks to the use of such outfalls for compliance purposes. 40 CFR 122.48 requires all permits to specify the type of monitoring, the intervals and frequency sufficient to yield data which are representative of the monitored activity.

2. **Do I have to submit separate DMRs for outfalls that are associated with a representative compliance outfall?**

Yes, DMRs for each outfall are required to be submitted.

3. **Will I get a violation for every associated outfall if there is a violation on the data from the representative compliance outfall?**

Effluent violations and corrective actions are also applied to each outfall, i.e. if the outfall chosen for monitoring has an exceedance of a permit limit then all outfalls that are substantially identical also have an exceedance of a permit limit.

4. **How do I request to use substantially identical outfalls?**

Requests to monitor an outfall that is representative of two or more substantially identical outfalls, shall document the following:

1) Location of each of the substantially identical outfalls;
2) The KPDES permit outfall number assigned to each outfall;
3) The types of activities taking place within the contributing drainage area of each outfall;
4) Description of the sediment control structures for each outfall;
5) The expected frequency and volume of flow for each outfall;
6) Why the permittee expects the outfalls to produce similar effluents;
7) The outfall the permittee requests as the representative outfall; and
8) The basis for selecting the representative outfall.

Requests shall be made using DOW's electronic web based eNOI-KYG04, available on KDEP's forms library site at: http://dep.ky.gov/formslibrary/Pages/default.aspx.

5. **How will I know I have been approved to use substantially identical outfalls for compliance monitoring?**

The coverage letter issued to the activity will identify the outfall where representative sampling will occur and all other outfalls that have been deemed substantially identical to the representative outfall.

6. **Can I continue to use the same representative outfall for the associated substantially identical outfalls if there is a change in the drainage to the outfalls?**

As long as the drainage to all of the outfalls change to the same type. However if this is not the case the permittee will need to submit information using the eNOI-KYG04 to re-designate the outfalls.

7. **Does a RO have to be within the same watershed?**

It must be within the same HUC 14 watershed.